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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,756	11/20/2003	Warren Thomas Johnson	USFMCR.3C1C1	1448
20995	7590	07/13/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP				MENON, KRISHNAN S
2040 MAIN STREET				ART UNIT
FOURTEENTH FLOOR				PAPER NUMBER
IRVINE, CA 92614				1723

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/718,756	JOHNSON ET AL.	
Examiner	Krishnan S. Menon	Art Unit	1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 June 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-4 and 7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 and 7 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

· Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

Claims 1-4 and 7 are pending after the after-final amendment of 6/24/05

### ***Allowability Withdrawn***

The indicated allowability of claim 9 in the prior office action is withdrawn in view of the newly discovered reference(s) to Reed et al. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said sidewall" in line 12. There is insufficient antecedent basis for this limitation in the claim. Claim 1 recites the clip as having a "side wall split", but it is unclear if "said sidewall" is the "side wall split". For examination purpose, the examiner assumes that "side wall split" and "said sidewall" are the same and represent a split sidewall.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed et al (US 4,839,048).

Claim 1 recites a membrane filtration manifold for connecting a filter submodule comprising one or more elongate bundles of semipermeable polymeric fibers in the preamble. The submodule and the fibers are not positively recited as claimed subject matter, and this part of the claim is considered as reciting the intended use for the manifold. Also the recitation, "whereby the submodule can be secured at an end with the collar by a clip ..." is not a positive recitation, but only states the result/function of the locking formation. Thus the submodule and the clip are not considered as claimed in combination with the manifold, and they do not impart any patentable weight. However, since the rest of the claim recites the details of the clip, the examiner assumes that the intent of the applicant was to claim the clip in combination with the manifold. Reed teaches a membrane manifold comprising a housing (103-figure 1), a sub-module connecting collar (111,112) adapted to receive the sub-module, sub-module sleeve (110-figure 3 or 4) with locking formation (see enlarged portion of 110 in figure 3 and 4) so that the sub-module can be secured to the collar by a clip (C-clamp 113) adapted to engage both collar and locking formation by surrounding them to prevent axial withdrawal of the sub-module (the C-clamp prevents axial withdrawal), the clip (113)

being resiliently biased, radially contractable and slides on the circumference of the collar of the sub-module (C-clamp slides circumferentially).

Housing is in fluid communication with the collar as in claim 2 (see abstract).

Collar has an internal stepped seat for engaging the sub-module (see 111) as in claim 3.

Locking formation has radially outwardly directed circumferential flange (see enlarged portion of 110 in fig 3 or 4) as in claim 4.

Sidewall has radially inwardly directed flange – the C-clamp has radially inwardly directed circumferential flange – figures.

### ***Response to Arguments***

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

This action is made non-final because of the new grounds for rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S. Menon whose telephone number is 571-272-1143. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Krishnan S. Menon  
Patent Examiner

7/8/05